

Home » Publications » E-seminars in history

The Pattern Of Distribution Of The Offices Of Lords Lieutenant And Custodes Rotulorum, 1689-1760

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The importance of the offices of lord lieutenant and custos rotulorum lay beyond the nature of their immediate functions. The justices of the peace and deputy lieutenants were technically appointed by either the Lord Keeper or the Lord Chancellor (the Chancellor of the Duchy of Lancaster did the appointing for Lancashire), the custos and the lieutenant only having their respective rights of "recommendation". The two offices were of weight principally because of the way in which they usually gave their holders a special relationship with the central government which allowed them to steer much of the patronage available in a county even though many of the places involved had no direct connection with either of their official scope of patronage.

The power to influence the distribution of patronage in the localities was not of a continuous nature during the period. In order to allow both the administering of and the financing of the Nine Years' War and the War of the Spanish Succession there was a period of rapid growth in the executive, which in turn led to an expansion in the amount of patronage under William and Anne. Thereafter, matters were fairly static because it would have both engendered resistance and there was less positive need for such than there had been previously.

Lieutenancies were not held in a singular fashion. There was no dictate that a county's lieutenancy could only be held by a peer or that it could not be held in conjunction with other lieutenancies. Counties could be divided just as they could be coagulated into pairs and larger groupings. There were chronological shifts in the pattern of how lieutenancies were held. The peerage did not have a monopoly on the tenure of them, the office could be conferred on commoners or on those peers who had just Irish or Scottish titles.

Two hundred and ten individuals held one or more lieutenancies during the period. [1] Of the two hundred and ten, one hundred and seventy-five held a peerage during the period. Of the one hundred and seventy-five, one hundred and thirty-six (nearly 80%) were only ever lieutenants of a single county. The other thirty-nine were lieutenants of two or more counties during the period. The thirty-nine were made up of twenty-nine "doubles" and ten "multiples". (Despite the lieutenancies of North and South Wales being composed of several counties the two units are treated here as single lieutenancies).

Of the "multiples" the most extraordinary was that of the 1st Earl of Macclesfield (1679). His association with the Duke of Monmouth had impelled him to flee England during King James II's reign. By the time of the Revolution of 1688 he had become sufficiently close to King William III to be in charge of the prince's bodyguard. In March 1689 he was given a bloc of five lieutenancies. It was a unique grant in the period, a de facto revival of the Lord Presidency of the Council of Wales. [2]

Macclesfield's death in 1694 led to his bloc being split three ways. Gloucestershire went to Viscount Dursley (the future 2nd Earl of Berkeley). South Wales [3] and Monmouthshire went to the 8th Earl of Pembroke, who relinquished them to local landowners in 1715. Pembroke held Wiltshire without interruption from 1689 to 1733. Herefordshire and North Wales [4] went to the Duke of Shrewsbury. Subsequently, Shrewsbury resigned the former to the Duke of Kent in 1704 (the duke had been prepared to resign the county to the 8th Baron Chandos in 1700) and the latter to the 2nd Earl of Macclesfield (1679) in 1696. Shrewsbury owned land in many of the Midlands counties but since he had no estates in North Wales he tried to be rid of the grouping. He forwarded the 3rd Baron Vaughan as an appropriate candidate in both respects. However, subsequently, he learned of Macclesfield's desire to be given it. He felt able to give the 2nd Earl priority in the matter because he himself had not informed Vaughan of his intention. The king complied with the duke's wish. [5] The only lieutenancy Shrewsbury held continuously was Worcestershire from 1689 to 1718. [6]

In terms of chronological distribution the occurrence of "multiples" and "doubles" as a pattern of lieutenancy tenure were distinctly weighted towards the first half of the period. Those which occurred in the second half were all repetitions of what had existed before. The only exception to this was the 4th Duke of Bedford. [7] He came to enjoy both Devon and Bedfordshire, two counties which had not been held in conjunction prior to 1714 and which were physically separate whereas the other "pairs" had come to be immediate neighbours.

There was a shift towards the number of individual holders of lieutenancies being maximized. The office was more widely held in 1760 than in 1689. This is because of the breakdown in the occurrence of "multiples" and the lessening of the frequency of occurrence of "doubles". The number of peers who held the offices would not have grown particularly since the prime beneficiaries of the process were the Welsh gentry. The expansion in the overall number of lieutenants led to their being territorially more closely associated with the counties they held. The shifts are not of balance but rather of emphasis towards a numerical broadening of tenure and increased identification with the localities.

In 1689 approximately two-thirds of English counties had their offices of custos and lieutenant held by the same person. [8] By the end of the period the only identifiable surviving separation was that of the North Riding of Yorkshire, its lieutenant was the 4th Earl of Holderness and its custos was the 2nd Marquis of Rockingham. [9] That the other counties should have combined was because individuals preferring their influence to be unchallenged. Once the two were given to someone jointly it was unlikely that either of them would be accepted singularly by another person since such a bestowal would mark the new recipient was of a lesser stature than his predecessor or was less trusted than him. The process by which the "separate" counties had their offices joined was piece-meal in its occurrence.

The reason why lieutenants should wish to be custodes of their counties too is illuminated by an incident concerning the 2nd Duke of Montagu. In 1715 was made lord lieutenant of both Warwickshire and Northamptonshire but not custos of either county. The former ended up eventually in the possession of the 2nd Earl of Macclesfield (1721) and the latter in that of the 6th Earl of Westmorland. Both were deprived of them in the mid-1730s because of their association with the opposition. [10] Therefore, Montagu had to deal with two commissions of the peace which had been largely appointed by people who were hostile to the ministry which he supported. The possibility for tension had been shown in 1732. Chief constables for a hundred were elected at leet courts summoned by the lord of the hundred. In this instance the hundred was the duke's and for his own purposes he did not wish a chief constable to be elected. The Northamptonshire commission chose to arrange for the appointment of one against the wishes of its own lieutenant. [11]

The Welsh counties fall into a different pattern of tenure from the English ones. This is because of the Macclesfield (1679) conglomeration of lieutenancies. He did not hold all of the posts of custodes that were within his lieutenancies. The pattern has to be surmised but it seems that they were more likely to be

held by local landowners in the south than in the north. This probably continued to be the case as the conglomeration thawed away since the Macclesfield branch of the Gerards and the Cholmondleys, who held North Wales after 1714, were both Cheshire landowners and therefore were more likely to have interests and possibly land in the north. The lieutenancies fell to the local gentry (some of whom had Irish titles) whereas the offices of custos fell to landowners. The groups overlap but they are not identical. A number of those landowners were peers who principally resided in England. Anglo-British peers continued to exercise direct power through much of Wales through the possession of local office. [12]

The expansion in the number of lieutenants over the period was roughly matched by the contraction in the number of custodes during the same. Therefore, the number of people who held the two offices in toto was fairly static. Where a change did occur it was in a manner by which these office-holders became both more powerful, through the expansion of the executive and the lessening of other individuals holding the other office, and more identified with the counties where they executed the offices. Proportionately, there was probably a slight contraction in the number of peers who were custodes and lieutenants when 1760 is contrasted to 1689.

[E-seminars index](#) | [back to the top](#)

Notes

1. John C. Sainty *Lists of the Lieutenants of the Counties of England and Wales, 1660-197* Lists and Index Society
2. B.L.Portland Loan 29/85 Misc. 22 Petition to King William III
3. Breconshire, Carmarthenshire, Cardiganshire, Glamorgan, Pembrokeshire, and Radnorshire.
4. Anglesey, Carnarvonshire, Denbigh, Flintshire, Merionethshire, and Montgomeryshire.
5. Coxe *Shrewsbury* pp.37, 39-40, 89 and 93. Luttrell iv p.26. B.L.Add.57861 f.52
6. The other peers who held multiples were the 4th Earl Rivers, the 7th Duke of Norfolk, the 1st and 2nd Dukes of Bedford, the 1st Duke of Leeds, the Duke of Newcastle (1694), and the 3rd Duke of Bolton.
7. Luttrell iii p.275
8. Counties in which the two offices were adjoined during the course of the period - Cornwall, Herefordshire, Kent, Leicestershire, Northamptonshire, Nottinghamshire, Somerset, Surrey, Warwickshire, Westmorland, Wiltshire, Worcestershire, and possibly Cumberland.
9. *The Court and City Kalenda* 1761 p.184
10. Macclesfield may have lost his at the same time as Bolton was deprived of Hampshire and Dorset and thus be a previously overlooked victim of King George II's defense of Walpole.
11. B.L.Add.32687 ff.503-4
12. Peers who were custodes in Wales during the period: Carmarthenshire - the 3rd Baron Vaughan and the 2nd Duke of Bolton; Carnarvonshire - the Earl of Orford (1697) and the 2nd Duke of Ancaster; Cardiganshire - the 3rd Baron Vaughan; Flintshire - Baron Archer (caretaker) and the 4th Earl of Plymouth; Glamorgan - the 8th Earl of Pembroke and the 4th Earl of Plymouth; Montgomeryshire - the 4th Baron Herbert, the 2nd Earl of Macclesfield (1679), and the Earl of Powis; Pembroke - the 8th Earl of Pembroke; Radnor - the 1st Earl of Oxford, the Earl of Coningsby, and the 1st Duke of Chandos.

[E-seminars index](#) | [back to the top](#)

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